

PATENT  
Atty. Dkt. No. ROC920010193US2  
PS Ref. No.: IBMK10194

### REMARKS

This is intended as a full and complete response to the Office Action dated June 23, 2005, having a shortened statutory period for response set to expire on September 23, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-29 are pending in the application. Claims 1-12, 14-23 and 25-30 remain pending following entry of this response. Claims 1, 9-12, 14-20 and 25-29 have been amended. Claims 13 and 24 have been cancelled. New claim 30 has been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

#### Objection to the Specification

The specification is objected to Under 35 U.S.C. 132. Applicants have amended the specification to address the objection. Accordingly, Applicants request that the objection be withdrawn.

#### Claim Rejections - 35 U.S.C. § 101

Claims 9-19 are rejected under 35 U.S.C. 101. Applicants have amended claims 9-19 to address the rejection. Accordingly, Applicants request that the rejection be withdrawn.

#### Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 9-11, 13-18, 20-22 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by *Nair* (US 2003/0217184). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

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USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Regarding claim 1, *Nair* does not disclose "each and every element as set forth in the claim". For example, the Examiner argues that *Nair* discloses "receiving, at a socket layer, data from a remote source via a network connection prior to allocating a buffer to contain the data, and subsequently, allocating the buffer to contain the data" in paragraphs 23 and 25. However, these paragraphs are directed data frames processed by communications protocol software modules. As data frames are passed through a network stack (e.g., from a physical layer, to a data link layer, to a network layer, etc.) *Nair* discloses maintaining the data frames in a common buffer space. However, none of these operations are directed to buffer allocation (and the size of buffers allocated) in response to receiving data at a socket layer.

Quite the contrary, *Nair* is directed to data communications that occur within a protocol stack. As disclosed by *Nair*:

"[P]rocessing of the data frame continues up the protocol stack until processing of the data frame by the machine is completed. **At such time, the data is read from the buffer at 230 and, for example, provided to an application software program.** At this point, for example, the buffer is no longer needed for temporarily storing the data packets while the various protocol software modules in the protocol stack process the data frame." *Nair*, ¶ 28.

As the highlighted passage demonstrates, the usage of a common buffer disclosed by *Nair* is unrelated to a buffer acquired by a server application to buffer data received from a socket. Rather, as used in *Nair*, buffers are used to process data frames through a protocol communications stack. The present claims, however, are directed to processing that occurs *after* data has been processed through a protocol communications stack, i.e., after the data is, in the words of *Nair*, "provided to an application software program."

Further, in rejecting claim 1 (as well as claims 9 and 20) the Examiner attempts to use certain terms interchangeably. Specifically, the Examiner states that "the term 'sockets layer' is taken to mean 'physical layer' of the computer." See *Office Action*,

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page 3. Respectfully, Applicants assert this using these terms interchangeably is improper. Sockets provide a method of communication between two processes. A socket is an identifier that a server application uses to uniquely identify an end point of communications. See *Application*, ¶¶ 4, 5, 50-51. The protocol of an underlying physical layer is simply irrelevant and distinct. Thus, for all the foregoing reasons, Applicants' believe that claim 1, and claims 2-7 dependent therefrom, are allowable, and respectfully request allowance of these claims.

Regarding claims 9 and 20, the Examiner rejects these claims "for similar reasons as stated above" regarding claim 1. See office action, p. 5. Similar to the remarks, above, Applicants submit that *Nair* is directed to the use of buffers to process data frames through a protocol communications stack, and not to the subject matter recited by claims 9 and 20 for, among other things, processing an input operation issued from a sockets server application to a sockets layer of the computer, wherein the input operation is configured with a buffer mode parameter indicating to the sockets layer a buffer acquisition method for acquiring a buffer for containing data received from a remote source via a network connection. Rather, as described above these operations are directed to processing that occurs *after* data has been processed through a protocol communications stack, i.e., after the data is, in the words of *Nair*, "provided to an application software program." Accordingly, Applicants' believe that claims 9 and 20, and claims 10-11, 13-18, 20-22, 24-29 dependent therefrom, are allowable, and respectfully request allowance of these claims.

#### Claim Rejections - 35 U.S.C. § 103

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nair*.

Applicants submit that because *Nair*, fails to teach or suggest the invention claimed in independent claim 1, for the reasons stated above, the rejection of claim 8 is obviated without the need for further remarks by Applicant.

Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nair* in view of *Glasser et al.* (USPN 5,764,890) (hereinafter *Glasser*).

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Applicants submit that because *Nair*, fails to teach or suggest the invention claimed in independent claim 9 and 12, for the reasons stated above, the rejection of claims 12 and 23 is obviated without the need for further remarks by Applicant.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nair* in view of *Fry et al.* (USPN 4,467,411) (hereinafter *Fry*).

Applicants submit that because *Nair*, fails to teach or suggest the invention claimed in independent claim 9, for the reasons stated above, the rejection of claim 19 is obviated without the need for further remarks by Applicant.

#### Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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